**How the Constitution Constrains Power**

**Separation of Powers**- division of power between the three branches

**Legislative Branch**- *makes* the laws

Examples of Powers:

1. Declare war

2. Levy (create) and collect taxes

**Executive Branch**- *enforces* the laws

Examples of Powers:

1. Commander in Chief of the armed forces

2. Grant Pardons

**Judicial Branch** - *interprets* the laws

Examples of Powers:

1. Hears all cases in which a person’s Constitutional rights are at question

**Checks and Balances**- provides each branch with the ability to limit the power of the other two.

*Examples of Checks and Balances:*

L > E: The Senate must approve presidential appointments

L > J: Congress approves or rejects federal judge appointments

E > L: President may veto a bill passed by Congress

E > J: President chooses federal judges

J > L: Court may declare an act of Congress to be unconstitutional

J > E: Court may declare an action of the President to be unconstitutional

**Federalism**- the division of power between state and national government

*Delegated Powers-* granted to only the national government

*Concurrent Powers*- possessed by both the state and national governments. Example: the ability to levy and collect taxes

*Reserved Powers*- anything not specifically granted to the national government nor denied the states is a state power. Ex: determining driving age

**Amendment Process:**

* Amendments can be proposed by 2/3 Congress, state legislatures or state convention.
* Can be ratified by 3/4 of state conventions or conventions called by the states.

**Election Process**

Sharing of the power in the electoral process between the states and the national government.

President - indirectly elected by the people, who select the electors to the Electoral College. The Electoral College, in turn, formally elects the President.

House - elected directly by the people of a district for a 2-year term.

Senate- elected directly by the people of a state for a 6-year term. Senators broken into 3 classes to maintain continuity in Senate. In the Constitution, Senators were selected by the State Legislatures; changed to being elected directly by the people in the17th Amendment.